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Message Text

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11
ACTION NEA-12

INFO OCT-01 IO-15 ISO-00 SS-15 DEAE-00 CIAE-00 INR-10

JUSE-00 NSAE-00 RSC-01 SNM-02 SY-10 TRSE-00 USIA-15

NSC-10 SCI-06 OMB-01 H-03 AID-20 IGA-02 L-03 DODE-00

DRC-01 /127 W
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R 030800Z OCT 73
FM AMEMBASSY KATHMANDU
TO SECSTATE WASHDC 6502
INFO AMEMBASSY NEW DELHI
USMISSION GENEVA

S E C R E T SECTION 1 OF 2 KATHMANDU 4208

NEW DELHI FOR DEA LORENZ

E.O. 11652: GDS
TAGS: SNAR, NP
SUBJECT: DRUG CONTROL PROBLEMS AND PROSPECTS IN NEPAL THROUGH 1973

1. SUMMARY. THROUGH BALANCE OF 1973 NEPAL IS EXPECTED TO REMAIN WITHOUT BASIC DRUG LEGISLATION, SINCE ENACTMENT OF DRAFT LAW WILL NOT TAKE PLACE BEFORE DECEMBER SESSION OF NATIONAL PANCHAYAT AT EARLIEST. ALTHOUGH COMMITMENT AT TOP OF GOVERNMENT APPARENTLY STILL FIRM, STIRRINGS AMONG SOME ELEMENTS OPPOSED TO DRUG LEGISLATION SUGGEST NEED FOR FIRM INDICATIONS BY US, UN, AND PERHAPS OTHERS TO GON LEADERS OF IMPORTANCE ATTACHED TO ADOPTION NEW DRUG LAW. MEANWHILE, EFFECTIVE DRUG CONTROL IS COMPLICATED BY LACK OF ADEQUATE LEGAL BASE FOR ENFORCEMENT ACTION AT TIME WHEN EVIDENCE IS IN-CREASING OF SIGNIFICANT DRUG TRAFFIC IN HAS OIL AND COCAINE, AS WELL AS CANNABIS. HOWEVER, NEPALESE POLICE AUTHORITIES ARE TAKING INITIAL STEPS TO BUILD UP ENFORCEMENT CAPABILITIES IN DRUG AREA. END SUMMARY.
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2. EMBASSY NARCOTICS COMMITTEE, BEFORE DEPARTURE OF ITS CHAIRMAN, DCM COON, AND WITH PARTICIPATION OF AMBASSADOR CARGO AND NEW DELHI DEA REP LORENZ, UNDERTOOK EXTENSIVE REVIEW ON SEPTEMBER 24 OF PROBLEMS AND PROSPECTS IN DRUG FIELD IN NEPAL OVER NEXT SEVERAL MONTHS. ATTENTION WAS FOCUSSED PARTICULARLY ON (1) STRONG NEED FOR A BASIC DRUG LAW IN NEPAL AND WHAT MIGHT BE DONE TO ENHANCE PROSPECTS FOR THIS LEGISLATION AT THE DECEMBER MEETING OF THE NATIONAL PANCHAYAT, AND (2) WHAT MIGHT BE DONE IN PRESENT CIRCUMSTANCES TO INCREASE THE EFFECTIVENESS OF ACTION AGAINST DRUG TRAFFICERS.

3. ON THE PROJECTED BASIC DRUG LAW, THERE IS NO DOUBT THAT SOME INDIVIDUALS AND GROUPS IN NEPAL ARE OPPOSED TO LEGISLATION WHICH COULD THREATEN PROFITABLE ACTIVITIES IN WHICH THEY HAVE BEEN ENGAGED. ONE EVIDENCE OF THIS SIS THE CONCERN NOW EXPRESSED IN GOVERNMENT QUARTERS OVER FINDING SUBSTITUTE CROPS AND SUBSTITUTE EMPLOYMENT FOR THOSE WHO MIGHT BE AFFECTED BY THE NEW LEGISLATION. THERE ARE ALSO REPORTS OF INVOLVEMENT IN ILLICIT TRAFFIC OF SOME INDIVIDUALS BELONGING TO INFLUENTIAL SEGMENTS OF THE NEPALESE COMMUNITY. HOWEVER, WE CANNOT NOW ASSESS THE POLITICAL STRENGTH OF THE OPPOSITION TO DRUG LEGISLATION AND WHETHER IT WILL INHIBIT THE DETERMINATION OF THE GOVERNMENT TO PROCEED.

4. WE BELIEVE IT WILL BE IMPORTANT OVER THE WEEKS AHEAD FOR THE US TO MAKE CLEAR TO GON OFFICIALS AT HIGH LEVELS THE IMPORTANCE WE ATTACH TO ENACTMENT OF THE DRUG LAW. AMBASSADOR CARGO TOOK ADVANTAGE OF HIS COURTESY CALL ON SEPTEMBER 21 ON PRIME MINISTER RIJAL TO DO JUST THAT. THE PRIME MINISTER REITERATED THAT THE GOVERNMENT HAD MADE FIRM POLICY DECISIONS AND INTENDED TO CARRY OUT "ITS COMMITMENTS" IN THE DRUG FIELD. HE DID CITE WHAT HE CALLED "PROBLEMS OF IMPLEMENTATION AND PHASING", WHICH HE SAID REVOLVED AROUND HELPING PEOPLE WHO HAD BEEN DEPENDENT ON CULTIVATION OF DRUGS TO DEVELOP OTHER LIVELIHOODS. (SINCE AMBASSADOR CARGO'S CALL ON PM MISSION HAS RECEIVED INFO FROM RELIABLE SOURCE WHO HAD SUBSEQUENT DISCUSSION WITH PM ON NARCOTICS ISSUE. SOURCE REPORTS THAT PM TOLD HIM HE NOW

RECOGNIZES IMPORTANCE OF NARCOTICS LEGISLATION, THAT HE BELIEVES MISTAKE WAS MADE IN NOT PASSING NARCOTICS LEGIS-LATION IN LAST SESSION OF PANCHAYAT, AND THAT HE INTENDS RAM LEGISLATION THROUGH IN NEXT SESSION.) AMBASSADOR MOST RECENTLY RAISED SUBJECT OF NARCOTICS CONTROL AND NEED FOR LEGISLATION IN MEETING OCTOBER 2 WITH FONSEC KHATRI, WHO AGAIN INDICATED HIS AWARENESS OF IMPORTANCE US ATTACHES TO MEANINGFUL ACTION.

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5. IN ADDITION TO OUR OWN APPROACHES, MISSION WILL MAKE ALL POSSIBLE USE OF UN REPRESENTATION HERE ON BEHALF OF NARCOTICS LEGISLATION. AMBASSADOR INTENDS TO ENCOURAGE VARIOUS INDIVIDUALS HE KNOWS ON UN NARCOTICS DELEGATIONS EXPECTED TO VISIT NEPAL THIS FALL TO CONTINUE PRESSURE ON GON. WE WILL ALSO SELECTIVELY SUPPORT UN EFFORTS TO ENCOURAGE OTHER GOVERNMENTS WITH REPRESENTATION IN NEPAL TO STATE THEIR INTERESTS IN SEEING GON TAKE MEANINGFUL ACTION ON NARCOTICS FRONT. WE WOULD LIKE TO RESERVE FOR LATER CONSIDERATION POSSIBILITY OF DIRECT COMMUNICATION FROM PRESIDENT TO KING.

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ACTION NEA-12

INFO OCT-01 IO-15 ISO-00 SS-15 DEAE-00 CIAE-00 INR-10

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INFO AMEMBASSY NEW DELHI
USMISSION GENEVA

S E C R E T SECTION 2 OF 2 KATHMANDU 4208

NEW DELHI FOR DEAL LORENZ

E.O. 11652: GDS
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6. WITH REGARD TO ACTIONS TO INCREASE EFFECTIVENESS OF NEPALESE ENFORCEMENT IN PERIOD BEFORE ENACTMENT OF LEGISLATION, WE ARE CONSIDERING POSSIBILITY OF PRESENTING

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DIRECTLY TO GON AT HIGH LEVEL EVIDENCE GATHERED IN US HASH OIL CASES INVOLVING NEPAL. LORENZ PLANS PREPARE AND FORWARD TO KATHMANDU FACTUAL STATEMENTS OF DRUG RELATED INCIDENTS LINKED TO NEPAL THAT MISSION COULD USE AT APPROPRIATE HIGH LEVEL.

7. EVEN WITHOUT BASIC LEGISLATION, GON DURING LAST SEVERAL MONTHS HAS INCREASED ITS EFFORTS AIMED AT REDUCING TRAFFIC IN NARCOTICS. LEGAL BASIS FOR THESE EFFORTS IS:

(A) GON DESICISON TAKEN IN JULY NOT TO RENEW LICENSES UNDER WHICH SHOPS WERE ALLOWED TO SELL GANJA AND HASHISH,
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AND (B) EXISTING LEGISLATION WHICH PROHIBITS EXPORT FROM NEPAL OF NARCOTIC DRUGS. DECISION NOT TO RENEW LICENSES HAS TERMINATED OPEN SALE OF DRUGS, AND HAS SOMEWHAT REDUCED THEIR AVAILABILITY. DRUGS ARE STILL AVAILABLE CLANDESTINELY FOR PURCHASE -- OFTEN IN SAME PREMISES WHERE THEY WERE PREVIOUSLY SOLD LEGALLY. UNFORTUNATELY, GON'S ABILITY TO TAKE EFFECTIVE ACTION AGAINST CONTINUING CLANDESTINE SALES IS SIGNIFICANTLY REDUCED BY ABSENCE BASIC LEGISLATION WHICH WOULD SPELL OUT GON'S ENFORCEMENT RESPONSIBILITIES AND PRESCRIBE PENALTIES FOR VIOLATIONS. IN CASES OF ILLEGAL EXPORT OF DRUGS, GON'S ACTION HAS BEEN MORE VIGOROUS. TRAVELLERS ARE CLOSELY CHECKED ON DEPARTURE FROM KATHMANDU'S AIRPORT DURING LAST SEVERAL MONTHS. GON'S WILLINGNESS TO TAKE ACTION ON EXPORT VIOLATIONS IS PROBABLY DUE TO JUDGMENT THAT ITS AUTHORITY IS MORE CLEARLY DEFINED IN THIS AREA. ACTION AGAINST EXPORT VIOLATIONS IS ALSO NO DOUBT POLITICALLY LESS SENSITIVE THAN ACTION AGAINST THOSE SEGMENTS OF NEPALESE SOCIETY WITH VESTED INTERESTS IN INTERNAL SALES.

8. GON HAS BEGUN TO TAKE STEPS TO ENHANCE ITS ENFORCEMENT CAPABILITIES. WHILE HERE, LORENZ CALLED ON GON DEPUTY INSPECTOR GENERAL OF POLIE RUDRA BAHADUR PANDEY, WHO EARLIER THIS YEAR HAD TRAVELLED TO US TO ATTEND BNDD'S WORLWIDE NARCOTICS ENFORCEMENT TRAINING PROGRAM. PANDEY REPORTED THAT HE WAS PRESENTLY CONDUCTING A TRAINING COURSE ON DRUG ENFORCEMENT MATTERS FOR POLICE OFFICERS AND FURTHERMORE THAT THREE OFFICERS HAD ACCOMPANIED IG BARAL TO GENEVA TO PARTICIPATE IN DRUG ENFORCEMENT COURSE SPONSORED BY INTERPOL. ACCORDING TO PANDEY, IG WAS PLANNING ON EVENTUAL ASSIGNMENT OF DRUG ENFORCEMENT OFFICERS TO EACH OF NEPAL'S 14 ZONES.

9. OVER COMING WEEKS NARCOTICS ISSUE IN NEPAL WILL

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REQUIRE PRIORITY ATTENTION IN ORDER TO MAINTAIN FOR-
WARD MOMENTUM TOWARD STRONGER AND TIGHTER SYSTEM OF
CONTROL. THESE OBSTACLES, AS NOTED ABOVE, ARE CONSIDERABLE.
CARGO

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